

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

PCT/JP2002/011574



Applicant's or agent's file reference D0010035PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2002/011574	International filing date (day/month/year) 06 November 2002 (06.11.2002)	Priority date (day/month/year) 03 April 2002 (03.04.2002)
International Patent Classification (IPC) or national classification and IPC A63B 23/00		
Applicant OGA CO., LTD		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 18 April 2003 (18.04.2003)	Date of completion of this report 20 January 2004 (20.01.2004)
Name and mailing address of the IPEA/JP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2002/011574

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-18	YES
	Claims		NO
Inventive step (IS)	Claims	1-18	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

2. Citations and explanations

Document 1: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 58133/1990 (Laid-open No. 15957/1992), (Teruaki OSA), 10 February 1992

Document 2: JP 2002-85582 A (Toshio UMEZAWA et al.), 26 March 2002

Claims 1-18

The invention that is set forth in claims 1-18 is not disclosed in any of the documents cited in the international search report; therefore, it is novel. Specifically, an exercise assisting machine that facilitates bending and stretching exercises, which is equipped with an elevating/lowering means whereby a chair for supporting the body of a user is always positioned in the vicinity of the buttocks of said user as the user moves up and down during the bending and stretching exercises, is not disclosed in any of the documents.

The invention that is set forth in claims 1-18 involves an inventive step in relation to the documents cited in the international search report. Documents 1 and 2 do not disclose an exercise assisting machine that facilitates bending and stretching exercises, which is

equipped with an elevating/lowering means whereby a chair for supporting the body of a user is always positioned in the vicinity of the buttocks of said user as the user moves up and down during the bending and stretching exercises, and even a person skilled in the art could not easily have conceived of this feature.

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claim 5 sets forth an "exercise assisting machine as recited in claims 1-3, which is characterized in that the aforementioned elevating/lowering means is configured by joining the aforementioned stopper and the aforementioned joining member by means of an elastic member." However, claims 1-3 do not set forth a "stopper."

Claim 10 sets forth an "exercise assisting machine as recited in claim 8 or 9, which is characterized in that the aforementioned arm lever is provided with an angle adjustment means whereby it is possible to adjust the angle of the aforementioned arm lever in order to accommodate the physique of a user." However, claims 8 and 9, as well as claims 1 and 2 which are cited by claim 8, do not set forth an "arm lever."

Claim 12 sets forth an "exercise assisting machine as recited in one of claims 1-11, which is characterized by the provision of a chair that is elevated and lowered in accordance with the upwards and downwards movement of the moving end of the aforementioned elevating/lowering arm, and the provision of a stopper that stops the aforementioned chair at a position having a predetermined height." However, claims 1 and 2 do not set forth an "elevating/lowering arm."